

# MCOLLES



*Michigan Commission on Law Enforcement Standards*

December 2001

Vol. I, Issue 6

## Governor Names New Commission

The new Michigan Commission on Law Enforcement Standards (MCLES) conducted its inaugural meeting in Lansing on November 6, 2001. Elected Commission Chair was Ottawa County Sheriff Gary Rosema. Major Marie Waalkes of the Michigan State Police received the Commission's nod as Vice Chair

with Raymond W. Beach, Jr. reaffirmed as Executive Director. The new MCLES, established by executive order that took effect November 1, unifies criminal justice standards and funding responsibilities in a single organizational entity. Governor Engler's appointments to the Commission are listed on Page 3.

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## Military Call-Up of Law Enforcement Personnel

The nation's response to the attacks of September 11 have resulted in the call-up of many members of military reserve and National Guard units. MCLES has received a number of inquiries regarding the certification status of law enforcement officers called up for active military duty.<sup>1</sup>

When a law enforcement officer is called up for active duty, MCLES requires notification from the employing law enforcement agency. Since military service under these circumstances does not legally create a "separation from employment," agencies should not use the Notification of Employee Separation form. Instead, please make notification to MCLES on

agency letterhead, identifying the personnel involved by name and social security number and indicating the last date of paid law enforcement employment.

As in the past, law enforcement officers who are called up for active military duty will not lose their status as certified law enforcement officers. The passage of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), however, has changed the rules for reemployment that existed at the time of "Desert Storm" call-ups. Law enforcement officers may assert their rights under USERRA for either voluntary or involuntary call-ups. They must meet the following USERRA criteria.

- A. The officer must leave employment for the purpose of active military service, and the employer must be given notice that the officer is leaving for that purpose. The law does not specify how much advance notice must be given, and so, the practical amount of notice would be, "as much as possible." The law specifies certain "military necessities" that may preclude this requirement. The notice should be in writing.
- B. The cumulative period of service, relating to a particular employer, must not exceed five years.

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## A Message From The Executive Director



It is no understatement that the collapse of the World Trade Center's twin towers opened a new chapter in American life. This tragedy and the anthrax attacks that followed have shaken the sense of security enjoyed by Americans for so many decades. "I don't feel safe." A student speaking to a reporter in Alliance, Nebraska shortly after September 11 echoed these words, acknowledging how threatened she felt in this small town over one thousand miles from any of the disaster sites.

The new enemy in our midst is sure to add new responsibilities to the law enforcement slate. Beyond the immediate concerns of prevention, interdiction, threat assessment, and incident response, law enforcement now figures into unfolding national strategies. A spokesman for the Center for Strategic and International Studies recently commented, "Today, the first to fight (terrorism) may well be a police officer, a fire fighter, or an information security technician. New (local) actions must become a part of the national security equation."

As we hasten to ready ourselves, it becomes clear that an effective incident response will require the cooperation and resources of multiple agencies. Seeking to address its own responsibilities, MCOLES recently hosted a meeting of representatives from the Federal Bureau of Investigation, the National Guard, the Firefighter's Training Council, and the Emergency Management Division of the Michigan State Police. The purpose of the meeting was to facilitate the development of training, to coordinate training resources, and to assist in making training resources available for local law enforcement.

As a result of this session, MCOLES is planning a Terrorism Awareness Training seminar that will be presented on closed circuit television at sites throughout Michigan in late January or February. There will be no cost to those who receive the training. Watch for an announcement on the MCOLES web site, [www.mcoles.org](http://www.mcoles.org).

Sincerely,

*R.W. Beach Jr.*

### Joint DNA Training Seminar

The Michigan Sheriffs Association, the Michigan Association of Chiefs of Police, and the Michigan State Police are providing a training seminar to address the requirements of Mandatory DNA Collection pursuant to MCL 750.520m. The seminar is scheduled for Wednesday, December 19, 2001, at the Holiday Inn-South in Lansing from 1pm to 4pm. The training seminar is 302 approved and a registration fee of \$25 will be charged per person.

To register for this seminar or receive additional information, contact the Michigan Sheriffs Association office at 517-485-3135.

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### Military Call up of Law Enforcement Personnel

- C. The officer must be discharged from active duty under honorable conditions.
- D. The officer must make a timely application for reemployment. Under USERRA, the deadline to report back to work or submit an application for reemployment depends on the duration of the period of active duty.
  1. A period of less than 31 days requires that the employee report back to work the next day.
  2. A period of 31-180 days requires that the employee report back to work or submit application for reemployment within 14 days.
  3. A period of 181 days or more requires that the employee report back to work or submit application for reemployment within 90 days.

Officers, who return to law enforcement employment within USERRA limitations, will not be required, by MCOLES, to undergo waiver of training testing, regardless of the duration of their absence from law enforcement employment.<sup>2</sup> MCOLES certification timelines will commence only after USERRA limitations are exceeded. This means, for example, that an officer who has held Michigan law enforcement certification for five or more years could be called to a period of active military duty exceeding 181 days, and then, failing to submit application for reemployment within 90 days, the officer could still maintain an additional year of MCOLES certification eligibility, without retraining or re-testing.

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## New MCOLES Commission Continued from Page 1

<b>Name</b>	<b>Representing</b>	<b>Term</b>
Colonel Michael Robinson Represented by Major Marie Waalkes	Michigan State Police	Ex-officio
Ms. Jennifer Granholm Represented by Mr. Bill Dennis	Attorney General	Ex-officio
Chief Charles Wilson	Detroit Police Department	Ex-officio
Mr. James DeVries	Police Officers Assoc. of Michigan	11/01/01-11/01/02
Mr. John Buczek	Fraternal Order of Police	11/01/01-11/01/03
Chief Jeffrey Werner	Michigan Assoc. of Chiefs of Police	11/01/01-11/01/04
Sheriff Tom Edmonds	Michigan Sheriffs Association	11/01/01-11/01/04
Sheriff Gary Rosema	Michigan Sheriffs Association	11/01/01-11/01/02
Officer Richard Weaver	Detroit Police Officers Assoc.	11/01/01-11/01/02
Director Robert Denslow	Michigan Assoc. of Chiefs of Police	11/01/01-11/01/02
Sheriff Henry Zavislak	Michigan Sheriffs Association	11/01/01-11/01/03
Chief James St. Louis	Michigan Assoc. of Chiefs of Police	11/01/01-11/01/03
Prosecutor David Morse	Prosecuting Attorney's Assoc. of Mich.	11/01/01-11/01/04
Mr. Douglas Mullkoff	Crim. Defense Attorney's Assoc. of Mich.	11/01/01-11/01/04
Trooper Timothy Permoda	Michigan State Police Troopers Assoc.	11/01/01-11/01/03

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### Military Call up of Law Enforcement Personnel

Another issue related to this matter has to do with the Law Enforcement Distribution (LED). Public Act 302 of 1982, as amended, only permits the LED to be made for "paid work hours."

Hence, agencies employing officers who are called-up for active military service may not receive LED monies for those personnel until they return to paid law enforcement service, hence the notification requirement stated above regarding "paid law enforcement employment."

MCOLES has also received inquiries from law enforcement agencies regarding whether or not uniforms, badges, and issue equipment such as firearms should be collected from law enforcement personnel who are called-up for active military service. This is a matter outside of MCOLES responsibilities. It is a local policy decision.

<sup>1</sup> This information is only a guideline for affected officers and law enforcement agencies. Detailed information concerning military call-ups can be found at the following web sites; [www.roa.org](http://www.roa.org), and [www.esgr.org](http://www.esgr.org). Telephone inquiries may be directed to the Reserve Officers Association (ROA) at (800) 809-9448 Ext. 713 or the National Committee for Employer Support of the Guard and Reserve (ESGR) at (800) 336-4590.

<sup>2</sup> MCOLES recommends voluntary refresher training for personnel who are returning to law enforcement employment from extended periods of active military service.

### Administration of Reading/Writing Exam to Change

The MCOLES Reading and Writing Test will soon be administered in a new manner. The Commission intends to engage the services of a testing contractor that will maintain and administer the test on a continuous basis at test locations around the state. As envisioned, candidates will register with the MCOLES identified testing agent and then report to a testing site to take the exam on a computer. This process should make the test more widely available and speed the processing of test results. This change is scheduled to take effect on July 1, 2002. As of that date, registration for the Reading and Writing Test will be available at the MCOLES web-site, [www.mcoles.org](http://www.mcoles.org).

**Fall 2001  
LED Distribution**

With the naming of the new 15 member Michigan Commission on Law Enforcement Standards effective November 1, 2001, the Fall Law Enforcement Distribution, that usually is approved by the Commission in November had to be delayed one month. The Commission will be taking formal action to approve the Fall 2001 Law Enforcement Distribution during the December 13, 2001, meeting in Lansing. The funds will be released immediately upon Commission authorization, and future distributions will not be delayed. Your patience during this transition is appreciated.

**The Commission will  
take final action on the  
2002 Competitive  
Grants during the  
December 20, 2001,  
meeting in Lansing.**

**Law Enforcement Distribution  
Workshops for 2002 Scheduled**

Registration for the Law Enforcement Distribution is undergoing changes this year. Our purpose is to improve the registration process and to improve participation. Eligibility for the distribution will be established through a registration process that will begin in January and end in February. We will conduct workshops to assist registrants in early January.

Agencies that have kept up to date in notifying MCOLES of the hiring or separation of law enforcement personnel will benefit most from these changes. It is our hope that improved procedures and an abbreviated registration period will not only simplify the registration process, but will increase the number of participants in this program. **Please note that the Law Enforcement Distribution for 2002 is not being changed.**

The following is a listing of the workshop dates scheduled for January 2002 with their corresponding locations. All workshops will begin at 10:00 am and conclude at approximately noon. To register for a workshop, you can either contact Ms. Jennifer Moore at 517-322-5615 or send us an email through our web page at [www.mcoles.org](http://www.mcoles.org).

January 7, 2002	Kirtland Community College
January 8, 2002	Michigan State Police Training Academy
January 9, 2002	Ferris State University
January 9, 2002	Wayne County Community College
January 10, 2002	Oakland Community College
January 15, 2002	Washtenaw Community College
January 16, 2002	Kalamazoo Valley Community College
January 17, 2002	Northern Michigan University
January 18, 2002	Lake Superior State University

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Department of State Police  
Michigan Commission on Law  
Enforcement Standards  
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